

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GILBERTO GOMEZ,  
ID # 53930-177,  
Movant,

vs.

UNITED STATES OF AMERICA,  
Respondent.

)  
)  
)  
) No. 3:20-CV-2142-N-BH  
) No. 3:16-CR-119-N(2)  
)

) Referred to U.S. Magistrate Judge<sup>1</sup>

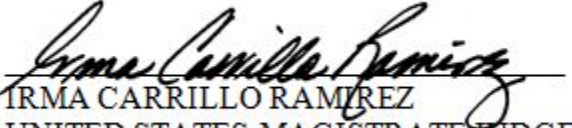
RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL

Before the Court is the movant's *Motion for leave to proceed in forma pauperis* on appeal with accompanying certificate of inmate trust account, received on August 10, 2023 (doc. 19).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on May 26, 2023 (doc. 14).

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 11th day of August, 2023.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> By Amended Miscellaneous Order No. 6 (adopted by Special order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.